



Federation of Ethnic Communities' Councils of Australia

Submission to the Inquiry into the Migration Amendment (Immigration Detention Reform) Bill 2009

1. The Federation of Ethnic Communities' Councils of Australia (FECCA) welcome the opportunity to submit to the Senate Inquiry into the Migration Amendment (Immigration Detention Reform) Bill 2009.
2. FECCA is the peak national body representing the interests of Culturally and Linguistically Diverse (CALD) communities in Australia. FECCA supports multiculturalism and social inclusion and rejects all forms of discrimination and racism.
3. In developing this submission FECCA consulted with its members.
4. FECCA's work has a focus on ensuring that refugee and humanitarian entrants settling in Australia are able to fully participate in Australian society, and do not face undue barriers to social inclusion.
5. FECCA notes that refugee and humanitarian entrants, who in time become Australian permanent residents or citizens, go on to make highly valuable contributions to Australian society. These persons are often in possession of useful skills and attributes that can enhance our wonderfully diverse nation.

FECCA Submission to the Senate Inquiry into the Migration Amendment
(Immigration Detention Reform) Bill 2009 – July 2009

6. On the whole FECCA is highly supportive of the recommendations proposed in the Migration Amendment (Immigration Detention Reform) Bill. FECCA believes that enshrining the Government's positive immigration detention policy agenda in legislation will work towards ensuring that all asylum seekers and other immigration detainees (including, for instance, international students in alleged breach of their visa conditions) are consistently treated humanely.
7. FECCA strongly believes that persons seeking asylum must be treated with the upmost dignity and respect while they are being processed by immigration officials. Regardless of the outcome of one's claim for asylum in Australia, FECCA contends that that all persons' human rights should be fully respected. Ideally the Bill should spell out the Government's detention value no 7, that, "conditions of detention will ensure the inherent dignity of the human person".
8. FECCA has long argued that detaining asylum seekers indefinitely in detention centres can have huge, negative, physiological and psychological effects, and as such is supportive of the new clause 4AAA(2) – that detention of a non-citizen in a detention centre should only be a measure of last resort, and if one is to be detained it should only be for the shortest practicable time.
9. FECCA is also pleased to note the inclusion of clause 194A, which states that an authorised officer may grant a temporary community access permission, which allows persons still being processed, but not deemed a security threat, to spend time out of detention in the general community.
10. FECCA highly commends the Bill for its inclusion of subsection 4AA(3)– that a minor must not be detained in a detention centre. Indeed research has demonstrated that such detention can be highly detrimental to children who have already undergone much trauma in their short lives.
11. However, FECCA is concerned that children can still be detained, as a measure of last resort, in various secure locations such as in medium security accommodation. FECCA believes confinement can have irreparable negative effects on children, and therefore advocates that

FECCA Submission to the Senate Inquiry into the Migration Amendment
(Immigration Detention Reform) Bill 2009 – July 2009

the Bill state that children never be detained in detention centres, and should, if deemed necessary, be placed in community settings under residence determinations. FECCA believes it is important that such settings allow for freedom of movement for children and their carers, including for recreation purposes. There should be no restriction, for instance, against children's regular visits to parks, and other outside areas where children naturally congregate at as part of their development.

12. FECCA is also concerned that the status of families is not adequately addressed in the Bill. It remains unclear if children will be removed from their parents who are being held in secure facilities. The separation of children from parents would certainly be an unacceptable result. Therefore FECCA advocates for the fast processing of all adult asylum seekers, and proposes that the Bill clearly state that asylum seekers with children, who are not assessed as a risk to Australian society, be placed in a less penal environment, such as in community detention, with their children.
13. FECCA notes that the Federal Government's new immigration detention review provisions (under the 'New Directions in Detention Policy') are not included in the Bill. FECCA believes the right to regular periodic review of immigration detention should be enshrined in law.
14. FECCA also notes that excision zones continue to exist despite the Bill's amendments. This means that a large number of vulnerable people (arriving at Christmas Island for instance) will not be subject to these new laws. FECCA calls for an end to the excision zone policy. This Bill should apply to all Australian territories without any qualification.
15. FECCA believes that the Australian Government has a responsibility to humanely deal with the applications of all asylum seekers, and sees this Bill as a decidedly positive step towards ensuring this objective is met.